

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERIE OPERATING, LLC d/b/a)
GOLDEN LIVING CENTER-WALNUT)
CREEK, ERIE ACQUISITION, LLC;)
GOLDEN GATE NATIONAL SENIOR)
CARE, LLC; GGNSC EQUITY)
HOLDINGS, LLC; GGNSC CLINICAL)
SERVICES, LLC;)
GGNSC ADMINISTRATIVE SERVICES,)
LLC; SPECTRA HEALTHCARE)
ALLIANCE, INC.; SPECTRA)
HEALTHCARE ALLIANCE VI, LLC; and)
BEVERLY ENTERPRISES, INC.,)

Plaintiffs,

v.

TOM FOSTER, Administrator of the)
Estate of Kenneth W. Foster, Deceased,)

Defendant.)

C.A. No. 14-72 Erie

MEMORANDUM ORDER

This civil action under the Federal Arbitration Act was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation (“R&R”) in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Local Rules 72.1.3 and 72.1.4. On June 24, 2015, Judge Baxter issued an R&R in which she recommended that Plaintiffs’ MOTION TO STAY PROCEEDINGS IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA (ECF No. 28) be denied. Judge Baxter concluded that it would not be appropriate to issue a stay under the Federal Arbitration Act. She further determined that none of the exceptions to the Anti-Injunction Act, which generally prohibits federal district courts from enjoining parallel state court actions, were applicable in this case.

Plaintiffs were allowed fourteen (14) days within which to file objections to the R&R.

They have since done so (ECF No. 35). In their objections, Plaintiffs take issue with Judge Baxter's conclusion that the "necessary in aid of jurisdiction" exception to the Anti-Injunction Act has not been satisfied. Defendant was given seven (7) days from the date on which Plaintiffs' objections were served to file a response. However, no response is necessary. The Court finds that Judge Baxter reached a reasoned, well-supported conclusion in denying Plaintiffs' request for a stay.

Accordingly, after a *de novo* review of the pleadings and documents in this case, the following Order is entered:

AND NOW, this 6th day of July, 2015:

IT IS HEREBY ORDERED that the R&R is **ADOPTED** as the Opinion of the Court, and therefore, Plaintiffs' motion to stay the state court proceedings is **DENIED**.

The case is hereby remanded to Magistrate Judge Baxter for further proceedings.

s/ Terrence F. McVerry
TERRENCE F. McVERRY
Senior United States District Judge

cc: U.S. Magistrate Judge Susan Paradise Baxter

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